IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORIGINAL SIDE CIVIL JURISDICTION

COMPANY APPLICATION NO.47 OF 1991
IN COMPANY PETITION NO.377 OF 1984

M/s. Amar Dye Chem Ltd. ..Petitioners.
and
The Official Liquidator. ..Applicant.
Vs.
Kiran H. Sampat and ors. ..Respondents.

Mr. S.C. Gupta, Official Liquidator present.
Mr.A./W. Ansari for the respondents.

CORAM : S.U. KAMDAR,J.
DATED : 29TH APRIL,2005.

P.C.:

1. The learned counsel appearing on behalf of the respondents states that the application is time barred. I do not find that the application is barred by limitation. The date of winding up order is 19.2.1986. The present application is filed and presented on 19.2.1991 i.e. within a period of five years as provided under Section 543(1) of the Companies Act. The next contention is that under Rule 261 all the defendants are not served in Form No.122 and 123. Provision of Rule 261 is a discretionary in nature. The application is served upon the director. Hence, I do not find that Rule 261 is applicable to the present case . Hence, application is made absolute.

(S.U. KAMDAR, J.)